

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL JUSTIN FOOS,

Defendant.

CR 07-88-BLG-SPW

ORDER

On May 1, 2025, Defendant Michael Justin Foos filed a Motion for Early Termination of Supervised Release. (Doc. 50). The Government opposed the Motion. (Doc. 52).

On April 2, 2008, Foos was sentenced to 280 months followed by five years supervised release on Counts 1 and 7 of the Indictment—conspiracy to possess with intent to distribute methamphetamine in violation of 21 U.S.C. § 846 and possession of a firearm in furtherance of a drug trafficking offense, in violation of 18 U.S.C. § 924(c)(1). (Doc. 31). On July 20, 2015, the Court reduced Foos’ sentence from 280 months to 228 months. (Doc. 396).

Foos began his term of supervised release on October 10, 2023. (Docs. 50, 52). Foos argues he is entitled to early termination of his supervised release because he has “no violation of the conditions and has never had a dirty UA.” (Doc. 50 at 2).

The Government opposes early termination of supervised release pursuant to two factors found in 18 U.S.C. § 3553(a)—specifically, the nature and circumstances of the offense and the need to protect the public from further crimes. (Doc. 52 at 2–3). The Government argues that the preceding factors “demand that Foos serve more of his term of supervised release than just a few months over 25% of the term imposed by the Court.” (*Id.* at 3). The Government recognizes Foos’ compliance while on supervision but “believes continued supervision will keep the community safe and Foos law-abiding.” (*Id.*).


While generally the Court would want to see a defendant complete more than 30% of his supervised release term, Mr. Foos’ probation officer, Nickalas Buciuman, reports that Mr. Foos is designated “Low Risk” and no longer requires home contacts. He is only required to submit a monthly report of his activities, which he has done consistently without any issues. U.S. Probation Officer Buciuman is in favor of Mr. Foos’ early termination. Therefore, the Court concludes that further supervision at this current level is not necessary.

Pursuant to 18 U.S.C. § 3583(e)(1), Federal Rule of Criminal Procedure 32.1(c)(2), and good cause being shown,

IT IS HEREBY ORDERED that the Defendant’s Motion (Doc. 50) is GRANTED. Michael Justin Foos’ supervised release is terminated as of the date of this Order.

The Clerk shall notify the parties and the U.S. Probation Office of the making of this Order.

DATED this <sup>th</sup>13 day of May, 2025.

  
SUSAN P. WATTERS  
United States District Judge